

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

RUSSELL CULVER and  
DIANE CULVER,

Plaintiffs,

-vs-

Case No. 06-14948  
Hon: AVERN COHN

UNITED STATES OF AMERICA,

Defendant,

/

**ORDER ALLOWING INCREASE IN AD DAMNUM CLAUSE**

This is a Federal Tort Act case. Plaintiffs have moved to increase the *ad damnum* clause to an amount in excess of the claim presented to the federal agency, in this case, the United States Postal Service. The grounds for the motion are that there is newly discovered evidence not reasonably discoverable at the time the claim was presented to the agency which establishes severe injuries to plaintiffs. The government opposes the motion. The motion is GRANTED without prejudice to the government's position that there is no such evidence. A question of fact is implicated in the motion which requires resolution at trial.

SO ORDERED.

Dated: April 21, 2008

s/Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, April 21, 2008, by electronic and/or ordinary mail.

s/Julie Owens  
Case Manager, (313) 234-5160